

Wallingford Zoning Board of Appeals

March 17, 2025

7:00 p.m.

Room 315

Town Hall – 45 South Main Street

Minutes

Present: Joseph Rusczek, Chairman; Raymond Rys, Vice Chair; Board Members: Thomas Wolfer; Karen Raddatz; Robert Gross; Robert Prentice; and Amy Torre, Zoning Enforcement Officer.

Chairman Rusczek called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was recited.

Voting members tonight are Rys, Wolfer, Raddatz, Gross, and Chairman Rusczek.

Chairman Rusczek noted that tonight’s decisions will be published in the Record-Journal on Friday, March 21, 2025. The effective date of your variance will be Friday, March 21, 2025; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, April 6, 2025. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Chairman Rusczek announced that the following applications would be continued to April. There will be no action tonight.

- 1. #25-004 – Variance Request/Pietrunti/4 Field Drive
- 3. #25-006 – Variance Request/Tello/360 Woodhouse Avenue

PUBLIC HEARINGS

2. #24-005/Variance Request/Molinari/18 David Drive

Ms. Raddatz read the staff notes into the record. The applicant seeks a front yard Variance for 36.2 ft. where 40 ft. is required and a side yard of 5.5 ft. where 10 ft. is required to construct an 8 ft. x 9 ft. covered entry and to correct the side yard setback from 10 ft. to 5.5 ft. from Variance Approval #73-144 to construct an attached garage at 18 David Drive in an R-18 District. The property was granted Variance Approval in 1973 for the same attached garage. The garage was never constructed. Variances do not have expiration and the property owner opted to erect the approved proposed garage in 2024-2025 with proper Zoning Approval and Building Permits. In 1973 surveys were not required to erect any additions or seek ZBA approval. Although not required, the side yard request is strictly to provide accurate distance from the side boundary that resulted from obtaining an Improvement Location Survey in January 2025 to construct the front covered landing. The property owner did not realize that constructing a roof over a front landing was considered a building/structure requiring compliance with setbacks and therefore commenced construction during the garage construction process. This front yard request is to request approval for a covered front landing encroaching on the required front yard by 3.8 ft. at its minimum point along 9 ft. of dwelling entryway. Correspondence included an Inter-Departmental Referral from the Health Department dated March 7, 2025.

Linda Molinari, 18 David Drive and Paul Rudeschi, 19 Carver Lane, North Haven explained the application. Ms. Molinari stated that her parents received the variance in 1973 but never built the

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garage. Ms. Molinari moved into the house in 2018 and has been improving the property. She thought it would be nice to put a roof over the porch. Everything has been built including the porch roof.

Chairman Rusczek clarified that the roof over the stairs is the issue. Ms. Torre noted that she met with the applicant many times for the garage and noticed that the porch roof also required compliance. She noted that a survey was not needed in 1973. The Variance is to true-up the sideyard. Ms. Molinari added that the property lines were thought to be where the trees were.

Mr. Gross asked if the garage was started before the applicant met with the Zoning Enforcement Officer. Ms. Molinari replied no. Mr. Rudeschi stated that the family had a plan for the roof, so he was under the impression that a variance was not required. Ms. Torre noted that the variance follows the land and none of the regulations have changed.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #25-005 Variance Request for Molinari for a Variance Request for a front yard of 36.2 ft. where 40 ft. is required to cover the front landing at 18 David Drive as shown on Improvement Location Survey/As-Built, prepared for Linda Molinari, dated 1/30/25, and submitted plans received 2/10/25.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Raddatz – yes to approve; Rys - yes to approve; and Chairman Rusczek – yes to approve.

Mr. Rys: Motion to approve #25-005 Variance Request for Molinari for a Variance Request for a side yard of 5.5 ft. where 20 ft. is required to construct an attached garage and modify approved Variance #73-144 at 18 David Drive as shown on Improvement Location Survey/As-Built, prepared for Linda Molinari, dated 1/30/25, and submitted plans received 2/10/25.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Raddatz – yes to approve; Rys - yes to approve; and Chairman Rusczek – yes to approve.

The applications are approved.

7. #24-007/Variance Request/Parking/Boffi/44 South Turnpike Road

Ms. Raddatz read the staff notes into the record. The applicant seeks a parking variance for 46 spaces where 39 exist and 58 are required to change the Use of 7250 sq. ft. of Retail Use to Medical Office Use at 44 South Turnpike Road in a CB-40 District. The property consists of 9750 sq. ft. of commercial space. 2500 sq. ft. of the building area is a barber shop requiring 1 parking space per 250 sq. ft of area (10 spaces). 7250 sq. ft. of the building area was formerly a retail business also requiring 1 parking space per 250 sq. ft. of area (29 spaces). The existing parking onsite provides for 39 spaces. The applicant proposes to change the use of 7250 sq. ft. from the permitted use of retail to the permitted use of

medical office (Dental). Medical Office use requires a higher parking requirement of 1 space per 150 sq. ft. of area (48 spaces). Therefore, the site requires 58 spaces to adequately meet the on-site parking requirement for both uses of the building. The applicant has identified 7 additional parking spaces which would increase the existing total spaces on the site from 39 to 46. The applicant will need to follow any ZBA Approval with a Change of Use/Site Plan to the Planning & Zoning Commission to approve the additional 7 parking spaces. To consider, the parking requirement for Medical Office Use per the Wallingford Zoning Regulations requires 33% more parking spaces than data available for necessary parking requirements for Medical Office Use per the 2019 5th Edition ITE Parking Generation Manual.

Dante Boffi, 33 Silverbrook Lane, North Granby, and Tom Sigel, 171 Robin Lane, Cheshire, presented. Mr. Boffi explained that they are looking for a parking variance due to the change of use. They were able to identify 7 more parking spaces bringing it up to 46 spots. It was recommended that they go for a variance due to the unique situation.

Chairman Rusczek noted that this building is where West Side Market was and that a Dental office would need more parking. Mr. Boffi explained that there are more spots in the back of the building that can be used for employee parking. It is already gravel so they won't need to change grass to impervious. Chairman Rusczek asked how many chairs the barbershop has and how many the Dental office will have. Mr. Boffi thought the barbershop had 6 chairs. The Dental office will have 10 chairs with maybe 2-3 dentists and other staff. At most, he thought there could be up to 11 employees on site. Mr. Sigel confirmed that the barbershop has 6 chairs and explained how the hours and days differ, which will help with parking.

Ms. Torre noted that the requirement based on the uses is for 58 spaces. They are asking for additional parking spaces that have to go through Planning & Zoning. If not approved, they have to come back and ask for the 39 spaces. She added that the Town Engineer provided the ITE Manual that recommends less parking. Using that, the existing parking will suffice. She noted that they did not ask for the existing 39 spaces. They asked for 46. If they come back, they can ask for the existing parking spaces. The Board can't grant more than they ask for.

Mr. Gross noted that there are usually 4-5 barbers at any one time. He asked where the dumpster would be. Mr. Boffi stated that they are not proposing moving it from its current position. Mr. Sigel stated that they may move them to get more parking. He also noted that they removed the cooler in the back which gave them more space. Mr. Sigel added that they may be able to have one dumpster for both businesses. Ms. Torre noted that that is up to the Planning & Zoning Commission. Mr. Gross noted his concern that there isn't enough parking. There is no overflow parking on the street. Ms. Torre noted that the Board can't approve for less than what they are asking for. They are asking for 46. She added that any future use would have to meet their own parking requirements.

Ms. Raddatz asked if parking has ever been a problem at this location. Mr. Boffi replied no. Mr. Sigel added that there are plans to take over the barber shop space when their lease is up. They would use the space for administration. Ms. Raddatz noted that if our regulations were in line with the ITE, we would only require 36 spaces or 46 in total, which is what they are asking for.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #25-007 Variance Request for Boffi for 46 parking spaces where 58 spaces are required and 39 exist to change the Use of 44 South Turnpike Road from Retail to Medical Office as shown on Improvement Location Survey dated February 1, 2005 and revision date April 19, 2005.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Raddatz – yes to approve; Rys - yes to approve; and Chairman Rusczeck – yes to approve.

The application is approved.

4. #24-008/Special Exception /New Life Church (Carver Preschool)/866 North Main Street Extension

Ms. Raddatz read the staff notes into the record. The applicant proposes a daycare/preschool facility at 866 North Main Street Extension with an enrollment capacity of 95 students, in an approx. 7726 sq. ft. unit of a current multi-tenant office building in an IX District. Child daycare is a permitted Use in the zone by Special Exception from the Zoning Board of Appeal. Any modifications to the site beyond existing conditions (other than Use) may require Site Plan Approval from the Planning & Zoning Commission (PZC). The Board should condition any Approval on review by the Town Planner for any proposed site changes/modifications requiring PZC approval. Correspondence included an Inter-Departmental Memorandum from the Health Department dated March 7, 2025, and a letter from Y&O Wallingford, LLC to the Zoning Board of Appeals dated March 13, 2025.

The presenters were Atty. Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden, Pastor Will Marotti, New Life Church, 350 High Hill Road, Wallingford, and Danielle Kremzar, Director, Carver Preschool, 7 North Turnpike, Wallingford.

Atty. Ceneviva explained that they are requesting a special exception to do daycare in this office building. There is a common driveway with 860 North Main Street Extension and the driveway is served by a traffic light. Carver Preschool provides care for infants to age 4 and needs to move. 866 North Main will allow for a fenced-in outdoor play area. He explained that there will be no school buses, just parents dropping off and picking up. Drop-off and pick-up happen over several hours. The driveway is long and there are separate parking spaces for the two buildings. He believes there are over 100 spaces in total. He noted that current parents using the daycare have no concerns about the location and the State's preliminary review had no concerns.

Pastor Marotti explained that they have run a daycare for 20 years. Following the original location, the daycare was eventually moved to 7 North Turnpike Road. Ms. Kremzar has been with the daycare for a number of years. There is a tremendous shortage of daycares in Connecticut. The move is a necessity of growth and demand. The school has a sterling record in the state.

Chairman Rusczeck asked how many children will be at the school. Pastor Marotti replied 95. Chairman Rusczeck expressed concern with the procedure for drop-off and pick-up based on the way the parking is designed. Pastor Moretti explained that the architect suggested adding an entrance, which he pointed out in the plan. They will install a sidewalk and a door near the front parking. He stated that there would be no congestion. Ms. Kremzar stated that there will not be 95 cars as many parents have two or

more children enrolled. Drop-off occurs all morning, from 6:30 am to 10 am. They currently have 51 children at the current location. They have not had any congestion .

Mr. Wolfer asked if the cars would loop around the island at the top. Pastor Moretti replied that they will go either right or left as there are at least 12-15 parking spaces in the front of the building. The main entrance will be feet away from the parking. He added that he talked to the owner of 866 who says he has never seen tractor-trailers at the loading dock up there.

Ms. Raddatz asked if there was a designated start time for the preschool program. Ms. Kremzar replied no. The children need to be in by 10 am and preschool runs all day. Pastor Moretti noted that they were just notified that they have received the Best Preschool designation by the Readers Choice Awards. The hours of the facility are 6:30 am to 5:30 pm.

Mr. Gross asked if the new sidewalk and entrance would require P&Z approval. Ms. Torre replied not unless they are changing the site. Mr. Gross noted that there is potential for more tenants in both 860 and 866. He is concerned with the potential number of cars. He also noted that several of the spaces along the building are designated handicapped. He asked how many teachers are there. Ms. Kremzar replied that there are 17 adults including administration at any time.

Atty. Ceneviva stated that the Church and Preschool have considered the parking and congestion issue. The applicant considers the site safe. He added that the State still needs to approve the site.

Hearing no public comment, Chairman Rusczyk closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #25-008 Special Exception Request for New Life Church - Carver Preschool to Use +/- 7726 sq. ft. of the building at 866 North Main Street Extension as a Child Care-preschool facility as shown on plans received 2/19/25, subject to:

1. Comments from the Health Department received March 10, 2025.

Mr. Wolfer: Second

Vote: Gross – no to approve; Wolfer – yes to approve; Raddatz – yes to approve; Rys - yes to approve; and Chairman Rusczyk – yes to approve.

The application is approved.

EXECUTIVE SESSION

6. Executive Session pursuant to Connecticut General Statutes §1-225(f) and §1-200(6)(B) to discuss pending litigation in the matter of *Pattison v. Zoning Board of Appeals*.

Ms. Raddatz: Motion to move to Executive Session pursuant to Connecticut General Statute §1-225(f) and §1-200(6)(B) to discuss pending litigation in the matter of *Pattison v. Zoning Board of Appeals* at 8:00 pm.

Mr. Wolfer: Second

Vote: Unanimous

Chairman Rusczek closed the Executive Session at 8:26 pm.

7. Discussion and possible action regarding the matter of *Pattison v. Zoning Board of Appeals* as discussed in Executive Session, relating to a front yard variance.

Mr. Rys: Motion to settle the *Pattison vs. Zoning Board of Appeals* as discussed in Executive Session.

Mr. Wolfer: Second

Vote: Gross – no to approve; Wolfer – yes to approve; Raddatz – yes to approve; Rys - yes to approve; and Chairman Rusczek – yes to approve.

CONSIDERATION OF MINUTES

1. February 18, 2025, Regular Meeting

Mr. Wolfer: Motion to accept the February 18, 2025, Zoning Board of Appeals Meeting Minutes as submitted.

Ms. Raddatz: Second

Vote: Unanimous

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the March 17, 2025, regular meeting of the Zoning Board of Appeals at 8:30 p.m.

Ms. Raddatz: Second

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary